No. 679
25/10/99

ACT No. XIII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 20th March, 1899.*)

An Act to consolidate and amend the Law relating to Glanders and Farcy.

WHEREAS it is expedient to consolidate and amend the law relating to glanders and farcy; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Glanders and Farcy Act, 1899.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Definition of "diseased."

2. (*1*) In this Act, unless there is anything repugnant in the subject or context, "diseased" means affected with glanders or farcy or any other dangerous epidemic disease among horses which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf.

(*2*) The provisions of this Act relating to horses shall apply also to asses and mules.

Application of Act to local areas by Local Government.

3. The Local Government may, by notification in the local official Gazette, apply this Act, or any provision of this Act, to any local area, to be specified in such notification, within the Province.

Local Government to appoint Inspectors.

4. (*1*) When this Act has been so applied to a local area, the Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as it may prescribe, the powers

Price two annas.]

powers conferred and the duties imposed by this Act on such officers.

(*2*) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Power of entry and search.

5. Within the local limits for which he is so appointed, any such Inspector as aforesaid may, subject to such rules as the Local Government may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is therein any horse which is diseased.

Power of seizure.

6. Within such limits as aforesaid, the Inspector may seize any horse which he has reason to believe to be diseased.

Horse to be examined by Veterinary Practitioner.

7. (*1*) On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by such Veterinary Practitioner as the Local Government may appoint in this behalf:

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

(*2*) For the purposes of the examination, the Veterinary Practitioner may submit the horse to any test or tests which the Local Government may prescribe.

Horse to be destroyed if found diseased: otherwise restored.

8. (*1*) If the Veterinary Practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed:

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the Local Government may make in this behalf, be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

(*2*) If, after completing the examination, the Veterinary Practitioner does not certify that the horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

9. (*1*) When

When horse diseased, place where it has been to be disinfected, etc,

9. (*1*) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of the building, shed, place or lines, or to the person in charge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may by rule prescribe, destroyed.

(*2*) On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected and the fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from the owner or other person as if it were a fine.

Owner or person in charge of diseased horse to give notice.

10. The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as the Local Government may appoint in this behalf.

Prohibition against removal, without license, of horse which has been with diseased horse.

11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector and subject to the conditions of the license.

Vexatious entries, searches and seizures.

12. (*1*) Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*2*) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Penalty for refusing to comply with

13. Whoever refuses or neglects to comply with any notice issued by the Inspector under section 9,

or

notice under section 9, or for moving horse contrary to section 11.

or removes any horse in contravention of section 11, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Power to make rules.

14. (*1*) The Local Government may make rules to carry out the purposes and objects of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules as aforesaid may—

(*a*) regulate entries, searches and seizures by Inspectors under this Act;

(*b*) regulate the use of tests and the isolation of horses subjected thereto, and provide for recovering the expense of detaining, isolating and testing horses from the owners or persons in charge thereof as if it were a fine;

(*c*) regulate the destruction or treatment, as the case may be, of horses certified under section 8 to be diseased, and the disposal of the carcases of diseased horses;

(*d*) regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed; and

(*e*) regulate the grant of licenses under section 11 and the conditions on which those licenses shall be granted.

(*3*) All rules under this section shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

(*4*) In making any rule under this section, the Local Government may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Appointment of same person to be

15. Any Veterinary Practitioner may be appointed by the Local Government to be both Inspector and Veterinary

Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder. both Inspector and Veterinary Practitioner.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Act. Protection to persons acting under Act.

17. The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof. Repeal.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 17.*)

Year.	No.	Short Title.	Extent of Repeal.
1879	XX	The Glanders and Farcy Act, 1879.	The whole Act.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XX of 1879.
1896	XV	The Glanders and Farcy Act (1879) Amendment Act, 1896.	The whole Act.
1897	XIV	The Indian Short Titles Act, 1897.	So much as relates to Act XV of 1896.

Government of India Central Printing Office.—No. 724 L. D.—27-4-99.—5,500—R. B.